

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, June 7, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, R. Hall, K. Holt (arrived at 7:29 p.m.), B. Pociask,

P. Plante

Members absent: J. Goodwin, G. Lewis, B. Ryan

Alternates present: F. Loxsom, K. Rawn

Alternates absent: V. Stearns

Staff Present: Gregory J. Padick (Director of Planning)

Chairman Favretti called the meeting to order at 7:20 p.m. and appointed Rawn and Loxsom to act in members' absence.

Minutes:

5/17/10-Hall MOVED, Pociask seconded, to approve the 5/3/10 minutes as written. MOTION PASSED UNANIMOUSLY.

Old Business:

None.

New Business:

1. **Request for Bond Release: Hallock Subdivision, Wormwood Hill Road, File # 1285**

Pociask MOVED, Hall seconded, that the Director of Planning is authorized to take appropriate action to release \$5,000 plus accumulated interest that has been held to ensure suitable completion of the Hallock Subdivision monumentation and driveway work on Wormwood Hill Road. MOTION PASSED UNANIMOUSLY.

2. **Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green property at 1090 Stafford Road, File #1258**

Pociask MOVED, Plante seconded, that the Commission set a public hearing for June 21, 2010, for the purpose of hearing special permit gravel renewal requests. MOTION PASSED UNANIMOUSLY.

3. **8-24 Referral: Dog Lane/Bundy Lane Parcel**

Gregory Padick, Director of Planning referenced and summarized his 6/3/10 memo and 5/10/10 comments from the Open Space Preservation Committee. Plante MOVED, Pociask seconded, that the PZC notify the Town Council that the proposed acquisition of the UConn Foundation property on Dog Lane and Bundy Lane would be consistent with Mansfield's Plan of Conservation and Development and would help protect the scenic character of Dog Lane, a designated "Scenic Road". MOTION PASSED UNANIMOUSLY.

5. **2010 PZC Vacation Schedule**

Hall MOVED, Beal seconded, to cancel the August 16, 2010 meeting due to vacation schedules. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

Chairman Favretti scheduled a 6/15/10 field trip at 2pm. Regulatory Review Chairman Beal stated that the next meeting has not been scheduled.

Communications and Bills:

Items #1 – 5 were noted.

6. 6/1/10 letter to PZC Re: Paideia Society Amphitheater

Padick referenced the 6/1/10 letter signed by 7 residents of the Dog Lane/Willowbrook Road neighborhood; a 6/1/10 memo from Rajeev Bansal; a 6/1/10 letter from Gerald and Anita Leibowitz; a 6/1/10 letter from Timothy Bell; a 6/1/10 letter from Elizabeth Norris; and a 6/1/10 letter from Ronald and Emily Schurin. Padick summarized the residents' concerns regarding the condition of the site at the Paideia Society Amphitheater. Upon review of the letters and Padick's update regarding his recent meeting with E. Tomasos, who said he will submit revised plans shortly, the Commission decided by consensus to address the status of the site when the Paideia Society submits these plans and appears before the Commission.

Zoning Agent's Report:

Curt Hirsch, Zoning Agent updated the PZC that he and Chairman Favretti approved a modification for a patio and lighting at Hillel. Hirsch noted that the Ed Hall site is now in compliance and recommends it to be removed from the agenda.

**PZC recessed at 7:35 p.m. to re-open IWA Meeting.

**PZC reconvened at 7:47 p.m.

Public Hearing:

Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33

- a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
- b. Aquifer and Public Water Supply Protection Regulations
- c. Invasive Plant Species Regulations

Chairman Favretti opened the Public Hearing at 7:47 p.m. Members present were Favretti, Beal, Hall, Holt, Pociask, Plante, and alternates Loxsom and Rawn; both alternates were appointed to act. Gregory Padick, Director of Planning read the legal notice as it appeared in the Chronicle on 5/25/10 and 6/2/10. Padick noted the following communications received and distributed to all members of the Commission: a 6/7/10 Notice of Protest to proposed Zoning Revisions, submitted by Kari L. Olson on behalf of property owners Bruce and Franca Hussey; a 6/7/10 letter from John McGill; a 6/4/10 letter from Alexinia Y. Baldwin, PhD; a 6/3/10 memo from G. Padick, Director of Planning; a 6/1/10 letter from Dennis O'Brien, Mansfield Town Attorney; a 5/27/10 memo from Conservation Commission; a 5/5/10 letter from Windham Regional Council of Governments, signed by Ted Melinosky, Vice Chair, WINCOG Regional Planning Commission, which was read into the record. He also noted that on 4/23/10 the proposed regulation revisions were sent to all members signed up for Mansfield's Public Notice Registry (via email); sent (via mail) to all residents within 500 feet of the proposed re-zoning; and referred to the Town Clerk; Town Attorney; Town Council; Conservation Commission; Open Space Preservation Committee; Agriculture Committee; Design Review Panel; and Zoning Board of Appeals.

Using maps, Padick summarized the proposed revisions to the Pleasant Valley area. He reviewed the background of the previous public hearings held for the rezoning of this area. He also briefly explained the proposed Aquifer and Public Water Supply Protection Regulations and Invasive Plant Species Regulations.

Chairman Favretti opened the floor for the public to ask Padick any questions regarding the revisions. The following questions were addressed by Padick.

Michael Orenstein, 11a Charter Oak Square, had questions about what the "red area" on the map represented.

Jean Meddick, 7a Charter Oak Square, asked Padick to clarify if the agricultural dedication is 50% or up to 50% of the total area. She also asked why the 500-foot setback is only depicted on Pleasant Valley Road and not along Mansfield City Road.

Alexinia Baldwin, 3 Charter Oak Square, asked for clarification on how the Pleasant Valley rezoning will affect the previously re-zoned parcel on Mansfield City Road. She wants to be notified about all future hearings.

Jean Meddick, 7a Charter Oak Square, questioned if the 50% agricultural dedication will apply to the Chesmer parcel on Mansfield City Road.

Noting no further questions, Chairman Favretti opened the floor for public comments regarding the revisions.

Jim Morrow, Vicky Wetherell and Steve Lowrey were present from the Open Space Preservation Committee (OSPC). Morrow read and submitted for the record a 6-7-10 memo providing specific comments and recommendations which included asking the PZC not to approve the proposed rezoning. Their rationale was that if the agricultural land is too close to the proposed residential areas, the future homeowners could force the land owner to stop the agricultural use and just leave the land fallow to revert to wooded open space.

Vicki Wetherell, read and submitted for the record two memos dated 6-7-10 providing specific comments in opposition to the proposed zoning revisions. She also submitted a map used to depict the priority agricultural lands and a "Cost of Community Services Studies from the Planning for Agriculture, A Guide for Connecticut Municipalities", which depicts the comparative costs for town services in residential, commercial/industry and open spaces within municipalities. Wetherell also referred to Jim Gibbons (Land Use Planner for the Cooperative Extension Service) and his previous recommendation for the PZC to form a task force or hold an informal open house to discuss the potential uses, including his idea of an office park for the area.

Al Cyr, representing the Agricultural Committee, discussed the need for a public forum. He read and submitted a 6-7-10 memo providing specific recommendations for the priority agricultural lands in the Pleasant Valley area. He said that placing a residential zone next to an agricultural use has the potential to create greater conflict than if commercial uses were located near agricultural land.

Quentin Kessell, Conservation Commission, requested that the Conservation Commission memo dated 5-27-10 be part of the record of this hearing. He specifically expressed support for the changes proposed to the Aquifer and Public Water Supply Protection Regulations and Invasive Plant Species Regulations.

Carolyn Stearns, expressed concern about Mountain Dairy's future, if farming were to be discontinued on the Hussey and Chesmer properties. She noted that slow-moving farm vehicles create unsafe traffic conditions, therefore adding more residents in a multi-family zone would be detrimental to the traffic safety in the area. She noted her support of the recommendations from the Agricultural Committee.

Roswell Hall questioned Open Space Preservation Committee members regarding the proposed driveways shown on their maps. Morrow responded that they are hypothetical driveways.

Larry Lombard, 185 Pleasant Valley Road, thanked all the committees for the time and effort they put into the proposals.

Mike Orenstein, Charter Oak Square, felt the addition of many families will have a detrimental fiscal impact on the school system and services in the Town.

Carmello Jasapia, Freedom Green, expressed concern with developing the area, because he likes to utilize the land as it is, by walking, hiking and playing in the cornfield.

Attorney Kari Olson, representing the Bruce and Franca Hussey, primary property owners, related that the best way to resolve identified issues is to have an open meeting between the entire Planning and Zoning Commission and Hussey's. Olson summarized and submitted a 6-7-10 letter outlining her clients concerns with the proposal. She emphasized that there are no current proposals to develop or sell any of the land owned by the Hussey's.

Tina Marie Penya, Freedom Green, expressed concern for potential development, noting that her family chose to live at Freedom Green based on the scenic resources within walking distance. Jean Meddick, stated that the land should be preserved for agriculture and open space. Roswell Hall, asked Padick to clarify the 500-foot setback and agricultural dedication issue raised by Olson. Padick related that these provisions would be applied in association with each other.

Chairman Favretti noted no further comments or questions from the public or Commission on any of the proposed revisions. Hall MOVED, Beal seconded, to close the public hearing at 9:18p.m. MOTION PASSED with all in favor except Loxsom who was opposed.

Public Hearing:

Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32

Chairman Favretti opened the continued Public Hearing at 9:19 p.m. Members present were Favretti, Beal, Hall, Holt, Pociask, Plante, and alternates Loxsom and Rawn; both alternates were appointed to act. Padick read into the record a 5/5/10 letter from Windham Regional Council of Governments, signed by Ted Melinosky, Vice Chair, WINCOG RPC, and noted a 5/27/10 memo from M. Hart, Mansfield Town Manager and a 6/3/10 memo from G. Padick, Director of Planning.

Chairman Favretti opened the floor to the public for comments and/or questions on the proposed revisions.

Chris Kueffner, 192 Ravine Road, read and submitted a 6-7-10 letter to the Commission expressing opposition to the proposed definition of family.

Chairman Favretti noted no further comments or questions from the public or Commission. Hall MOVED, Plante seconded, to close the public hearing at 9:25 p.m. MOTION PASSED UNANIMOUSLY.

New Business:

4. Request to manage plant growth in Conservation Easement, Dunham Farm Estates, File #1252

Mr. Derek Allinson, on behalf of Dunham Pond Association, asked permission from the Commission to thin the tree saplings that are growing within the conservation easement area. He indicated that he will be doing all work with hand trimmers, and estimates there are about 20 seedlings that currently need to be removed.

Favretti suggested the issue of conservation easement management be referred to the Conservation Commission and to the Regulatory Review Committee to study the Town's model conservation easement language for possible revision.

Holt MOVED, Hall seconded, to approve the applicant's request on behalf of Dunham Pond Association, Inc., to conduct minimal maintenance on the 7.4 acre parcel of open space land adjacent to the north side of the Dunham Pond. Work to be done is not to exceed what has been outlined in Allinson's 5-18-10 letter to the Zoning Agent. MOTION PASSED UNANIMOUSLY.

Adjournment:

Chairman Favretti declared the meeting adjourned at 9:42 p.m.

Respectfully submitted,

Katherine Holt, Secretary